

FORM PTO-1390  
(REV. 10-2003)

U.S. DEPARTMENT OF COMMERCE AND PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER  
2003946-0148 (PITA/US)TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371U.S. APPLICATION NO. (If known, see 37 CFR 1.5)  
NOT YET ASSIGNED  
**10/501120**INTERNATIONAL APPLICATION NO.  
PCT/US03/00390INTERNATIONAL FILING DATE  
January 8, 2003PRIORITY DATE CLAIMED  
January 8, 2002

## TITLE OF INVENTION

EPONEMYCIN AND EPOXOMICIN ANALOGS AND USES THEREOF

APPLICANT(S) FOR DO/EO/US

Agoulnik *et al.*

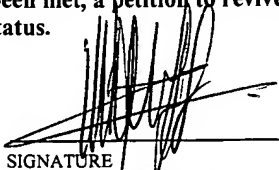
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau)  
**Publication WO/059898 A2 (132 pp., including 2 cover pages)**
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)).
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendment has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. (c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

## Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98. (**6 pp.**)
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment. (**29 pp.**)
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:
  - ☒ Appendix A – PCT Article 34 Amendment (33 pp. including cover sheet).
  - ☒ Appendix B – International Preliminary Examination Report (23 pp. including cover sheet)
  - ☒ Cited art (17 references) excluding copies of US patents
  - ☒ Form PTO – 1449 (2 pp.)
  - ☒ Return Postcard
  - ☒ Certificate of Express Mailing (1 pg.)

Express Mail No. EV 314105049 US  
3720000\_1.DOCAtty. Docket No.: 2003946-0148  
Client Ref.: PITA/US  
Customer No.: 24280

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>103501120</b> NOTYET ASSIGNED		INTERNATIONAL APPLICATION NO. PCT/US03/00390		ATTORNEY'S DOCKET NUMBER 2003946-0148 (PITA/US NATL)		
21. <input checked="" type="checkbox"/> Other items or information: <b>BASIC NATIONAL FEE (37 CFR 1.492 (A) (1) - (5)):</b>  Neither international examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$1080.00  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$920.00  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$770.00  International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$730.00  International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00 <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				<b>CALCULATIONS PTO USE ONLY</b>		
				\$ 920.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).				\$		
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE			
Total claims	186 - 20 =	166	166 x \$18.00	\$2,988.00		
Independent claims	2 - 3 =	0	0 x \$86.00	\$ 0.00		
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$290.00	\$ 290.00		
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$4,198.00		
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$		
<b>SUBTOTAL =</b>				\$4,198.00		
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).				\$		
<b>TOTAL FEES ENCLOSED =</b>				\$4,198.00		
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$		
<b>TOTAL FEES ENCLOSED =</b>				\$4,198.00		
				Amount to be refunded:	\$	
				charged:	\$	
a. <input checked="" type="checkbox"/> A check in the amount of \$ 4,198.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. 03-1721 in the amount of \$            to cover the above fees. A supplicate copy of this sheet is enclosed c. <input checked="" type="checkbox"/> The Commisssioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 03-1721. <b>A duplicate of this sheet is enclosed.</b> d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card</b> <b>information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.						
<b>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a)          or (b)) must be filed and granted to restore the application to pending status.</b>						
<b>SEND ALL CORRESPONDENCE TO:</b>  Patent Group Choate, Hall & Stewart Exchange Place 53 State Street Boston, Massachusetts 02109						
				 SIGNATURE <u>Nadege M. Lagneau, Ph.D.</u> NAME <u>51,908</u> REGISTRATION NUMBER		

ATTORNEY DOCKET No.: 2003946-0148 (PITA/US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

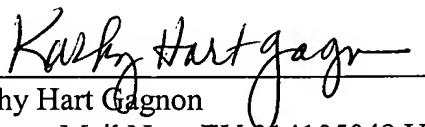
Applicant: AgoulNIK *et al.* Examiner: NYA.  
Serial No: NYA Group Art Unit: NYA  
Filing Date: July 8, 2004  
Corresp. to: PCT/US03/00390  
Int. Filing Date: January 8, 2003  
Earliest Priority: January 8, 2002  
Title: EPONEMYCIN AND EPOXOMICIN ANALOGS AND USES  
THEREOF

Mail Stop: PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Certificate of Express Mailing

I hereby certify that the foregoing documents are being deposited with the United States Postal Service as "*Express Mail Post Office to Addressee*" service under 37 C.F.R. 1.10 in an envelope addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date of July 8, 2004.

  
Kathy Hart Gagnon  
Express Mail No.: EV 314105049 US